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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,271	02/27/2002	Immanuel Buschatz	18138.026	7106
21878	7590	12/30/2003	EXAMINER	
KENNEDY COVINGTON LOBDELL & HICKMAN, LLP 214 N. TRYON STREET HEARST TOWER, 47TH FLOOR CHARLOTTE, NC 28202			RODRIGUEZ, RUTH C	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 12/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/084,271

Applicant(s)

BUSCHATZ ET AL.

Examiner

Ruth C Rodriguez

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Claim 11 is withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 5.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1 and 3-10 rejected under 35 U.S.C. 102(b) as being anticipated by Shin (US 5,120,085).

A ring (2) comprises an inward directed collar and a plurality of resilient radially displaceable locking elements (6) extending into the ring (Figs. 1-18). The collar is disposed in abutment on one side thereof to a cylindrical shoulder (4b) of a housing (4). The collar by its other side and the locking elements together form receptacle.

Shin also discloses that:

- The collar further comprises a plurality of radially directing slots (2a) and the locking elements comprise segments (6) of an annulus placed in the slots (Figs. 1-18).

- The collar further comprises a plurality of radially directing slots (2a) and the locking elements comprise segments (6) of an annulus placed in the slots (Figs. 1-18).
- Each of the segments comprises at least one nose for restricting inward movement of the segment (Figs. 2, 6, 13 and 18).
- Each of the locking elements further comprises a flange as a tool gripping position (Figs. 1, 4 and 5).
- Each of the annular segments is chamfered on an inner edge (Figs. 12, 13 and 15).
- The ring further comprises a spring element (5,5a and 9) for inwardly radially biasing each of the locking elements.
- The ring further comprises a groove (2b) disposed circumferentially on the outside of the ring (Fig. 16).
- The ring further comprises a circumferential spring element (5,5a and 9) located on the groove (Figs. 1-6 and 12-18).
- The ring further comprises a gripping surface (outside of the ring).

4. Claims 1-4, 6 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Saito (US 5,343,892).

A ring (1) comprises an inward directed collar and a plurality of resilient radially displaceable locking elements (4) extending into the ring (Figs. 1-6). The collar is disposed in abutment on one side thereof to a cylindrical shoulder (next to 12) of a housing (11). The collar and the locking elements form a receptacle (Figs. 1-6).

Saito also discloses that:

- The ring further comprises an inner screw threading complementary and engageable with an outer screw threading of the pipe.
- The collar further comprises a plurality of radially directing slots (2) and the locking elements comprise segments (4) of an annulus placed in the slots (Figs. 1-6).
- Each of the segments comprises at least one nose (9) for restricting inward movement of the segment (Figs. 1-6).
- Each of the annular segments is chamfered on an inner edge (Fig. 3).
- The ring further comprises a gripping surface (outside of the ring).

Response to Arguments

5. Applicant's arguments filed 22 October 2002 have been fully considered but they are not persuasive.

6. In response to applicant's arguments, the recitation "a cylindrical shoulder of a housing of a valve" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Since the claim is not positively reciting that the housing

needs to be part of a valve the housing disclosed by either Saito or Shin having a cylindrical shoulder meet the claim limitation making a positive recitation of the housing.

7. The limitation "for the drive element shoulder for engaging in a snap connection with the at least one projection" is considered an intended use limitation. It has been held that the recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Suzuki and Dennany, Jr. are cited to show state of the art with respect to rings having some of the features of the current invention.

Saur et al. (US 5,897,055), Buschatz (US 6,404,321 B1 and US 6,460,335 B1), German Patent Document DE 299 05 274 U1 and European Patent Document EP 0875 703 A2 are cited to show state of the art with respect to a valve using a device to connect to a drive element.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C. Rodriguez whose telephone number is (703) 308-1881. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (703) 306-4115.


Submissions of your responses by facsimile transmission are encouraged. Technology center 3600's facsimile number for before and after final communications is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Ruth C. Rodriguez
Patent Examiner
Art Unit 3677

RcR
rcr

December 24, 2003


James R. Brittain
Primary Examiner